IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

RP.No. 498 of 2007(T)

AGAINST THE JUDGEMENT/ORDER IN WPC.2474/2006 Dated 26/06/2006

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REVIEW PETITIONER IN R.P./PETITIONER IN WP(C)

N.D.ANTONY, S/O.DOMONIC, AGED 64 YEARS,
JOJO NEST, THEVAKKAL, V.K.C. P.O., KOCHI-682 021.

BY ADV. SRI.N.C.JOSEPH

RESPONDENTS: RESPONDENTS IN W.P.(C)

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1. STATE OF KERALA REPRESENTED BY
SECRETARY TO THE GOVERNMENT, REVENUE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-33.

2. THE COMMISSIONER OF LAND REVENUE,
PUBLIC OFFIC BUILDING, MUSEUM JUNCTION,
THIRUVANANTHAPURAM-33.

3. THE DISTRICT COLLECTOR, ERNAKULAM,
KOCHI-30.

4. THE TAHSILDAR, TALUK OFFICER, KOCHI-11.

BY GOVERNMENT PLEADER SRI. V. TEKCHAND.

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 13/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.N. RAMACHANDRAN NAIR, J.

R.P. NO. 498 OF 2007
IN W.P.C. NO. 2474 OF 2006

Dated this the 13th day of November, 2007

O R D E R

Writ Petition was dismissed on 26.6.2006 because on facts this Court found that petitioner was a revenue official who assigned land to himself. In fact the Court has referred to the findings of the District Collector and Land Revenue Commissioner based on enquiry conducted by the Vigilance Department. However, this Review Petition is filed stating that the facts found by the lower authorities and based on which judgment was rendered are not fully correct. The main contention raised by counsel for the review petitioner is that land assigned to the petitioner was categorised as assignable land which is contrary to the findings by the lower authorities. Moreover he has stated that around 1000 acres of adjoining land was assigned in similar manner and no such assignment is revoked by the revenue authorities. If these are the facts, then I do not know why petitioner alone is singled out and assignment made to him alone is recalled. In the

circumstances, Review Petition is disposed of leaving freedom to the petitioner to file an application within six weeks from today before the Land Revenue Commissioner for rectification or revision of his order based on fresh facts and evidence if any adduced by the petitioner. If any such application is filed before the Land Revenue Commissioner with detailed facts disputing the findings of the District Collector, the Land Revenue Commissioner will, after calling for report from the revenue authorities, and after hearing the petitioner, rectify mistakes if any in his earlier order challenged in the WPC.

(C.N. RAMACHANDRAN NAIR)
Judge